

REMARKS

In a first Office Action dated September 28, 2005, the Examiner rejected claims 1-3, 8-13, and 20-24 under 35 U.S.C. §102(b) as being anticipated by Tiedemann, Jr. (U.S. patent no. 6,021,122, hereinafter referred to as "Tiedemann"). The Examiner rejected claims 4, 9, and 14-16 under 35 U.S.C. §103(a) as being unpatentable over Tiedemann in view of Sicher (U.S. patent no. 5,570,411), and rejected claims 5-6 and 17-18 under 35 U.S.C. §103(a) as being unpatentable over Tiedemann in view of Kumar et al. (U.S. patent no. 6,507,572). The rejections are traversed and reconsideration is hereby respectfully requested.

The Examiner rejected claims 1-3, 8-13, and 20-24 under 35 U.S.C. §102(b) as being anticipated by Tiedemann. Specifically, with respect to claim 1, the Examiner contended that Tiedemann teaches a method for queuing a mobile station (MS) in a wireless communication system including receiving a request from the MS to originate a call (col. 3, lines 52-53), determining whether the MS may be assigned a dedicated radio frequency (RF) resource in a service area of the MS (col. 12, lines 29-32), in response to determining not to assign a dedicated RF resource to the MS, adding the call to a call queue (col. 12, lines 34-35), subsequent to adding the call to the call queue, re-determining whether the MS may be assigned a dedicated RF resource in the service area (col. 5, lines 34-52 and col. 12, lines 36-40), and in response to determining, subsequent to adding the call to the call queue, that the MS may be assigned a dedicated RF resource, conveying an assignment of a dedicate traffic channel to the MS without first requesting the MS to re-originate (col. 12, lines 39-40, "where a Traffic Channel becomes available, the request at the head of the PACA queue is assigned to the Traffic Channel"). The applicants respectfully disagree and believe that the Examiner has misapplied Tiedemann to the pending application.

The "Priority Access and Channel Allocation" (PACA) feature cited in Tiedemann and referenced by the Examiner is described in TIA/EIA/IS-53-A (see col. 12, lines 23-25 of Tiedemann) and further is described in the 3GPP2 A.S0001-A specification, "3GPP2 Access Network Interfaces Interoperability Specification," dated November 30, 2000. In the section of Tiedemann cited by the Examiner, Tiedemann

merely states that when a Traffic Channel becomes available, the request at the head of the PACA queue is assigned to the Traffic Channel, but does not say *how* this request is assigned to the traffic channel, only that it is. Tiedemann does not further define how the request is assigned to the traffic channel.

To determine how a request is assigned to the traffic channel requires referencing the PACA context as noted above (and specifically relied on by Tiedemann). The operation of PACA is described in 3GPP2.A.S0001-A, which provides in section 2.2.2.1, "Mobile Origination," step e:

"If for any reason the BS is unable to assign resources (e.g., a traffic channel) for this call and the call is given PACA service, the BS will queue the request and will notify the MS of the reason and the current queue position (see section 2.2.2.3.1). The BS will then send an Assignment Failure message to the MSC with the Cause field set to 'PACA Call Queued'. The MSC initiates normal call clearing procedure as described in section 2.3 to release the underlying transport connection.

When a traffic channel becomes available, the BS will instruct the MS to re-originate the call by sending a PACA Message."

The 3GPP2 A.S0001-A specification further provides, in section 2.2.2.3.1, "Mobile Origination with PACA Service," step h:

"h. When radio resources become available, the BS sends a PACA Message to instruct the MS to re-originate the call. ... The normal Origination procedure (see section 2.2.2.1) will process the re-origination request."

Thus the PACA specifications clearly teach that, when a traffic channel becomes available, a BS conveys a PACA message to an MS and requests the MS to re-originate the call. As a result, Tiedemann, which teaches operation according to the PACA specifications, teaches a re-origination procedure of the PACA service and cannot be considered to teach a solution where no such PACA message is sent and where re-origination is not required. By contrast, claim 1 teaches a conveying of an assignment of

a dedicate traffic channel to the MS without first requesting the MS to re-originate. Therefore Tiedemann does not teach the features of claim 1. Accordingly, the applicants respectfully request that claim 1 may now be passed to allowance.

Since claims 2-7 depend upon allowable claim 1, the applicants respectfully request that claims 2-7 may now be passed to allowance.

Claim 8 teaches a controller that, subsequent to adding a call to a call queue, re-determines whether an MS may be assigned a dedicated RF resource in the service area, and in response to determining, subsequent to adding the call to the call queue, that the MS may be assigned a dedicated RF resource, conveys an assignment of a traffic channel to the MS without first requesting the MS to re-originate. As described in detail above, no such controller is taught by Tiedemann. Accordingly, the applicants respectfully request that claim 8 may now be passed to allowance.

Since claim 9 depends upon allowable claim 8, the applicants respectfully request that claim 9 may now be passed to allowance.

Claims 10 and 19 each include features of, in response to determining not to assign a dedicated RF resource to an MS, adding a call to a call queue, subsequent to adding the call to the call queue, re-determining whether the MS may be assigned a dedicated RF resource in the service area, and in response to determining, subsequent to adding the call to the call queue, that the MS may be assigned a dedicated RF resource, conveying an assignment of a traffic channel to the MS without first paging the MS. As described in detail above, nowhere does Tiedemann teach the claimed features of determining, subsequent to adding the call to the call queue, that the MS may be assigned a dedicated RF resource, conveying an assignment of a traffic channel to the MS without first paging the MS. To the contrary, Tiedemann teaches operation according to the PACA specifications, which specifically require a paging of the MS to request that the MS re-originate the call and then assigning a traffic channel to the MS in response to receiving the re-origination request. Therefore, Tiedemann does not teach the features of either claim 10 or claim 19 and the applicants respectfully request that claims 10 and 19 may now be passed to allowance.

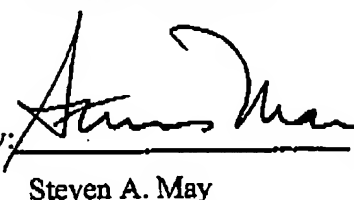
Since claims 11-18 depend upon allowable claim 10 and claim 20 depends upon allowable claim 19, the applicants respectfully request that claims 11-18 and 20 may now be passed to allowance.

The applicants have canceled claims 22 and 24 have been canceled and have amended each of claims 21 and 23 to provide for, in response to determining not to assign a dedicated RF resource to an MS in a first service area, adding a call associated with the MS to a call queue, determining whether the MS has moved to a second service area, in response to determining that the MS has moved to the second service area, determining whether the MS may be assigned a dedicated RF resource in the second service area, and in response to determining that the MS may be assigned a dedicated RF resource in the second service area, assigning a dedicated RF resource to the MS in the second service area without first paging the MS. As described in detail above, nowhere does Tiedemann teach the claimed features of assigning a dedicated of a traffic channel to the MS without first paging the MS. Accordingly, the applicants respectfully request that claims 21 and 23 may now be passed to allowance.

As the applicants have overcome all substantive rejections and objections given by the Examiner and have complied with all requests properly presented by the Examiner, the applicants contend that this Amendment, with the above discussion, overcomes the Examiner's objections to and rejections of the pending claims. Therefore, the applicants respectfully solicit allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter.

Respectfully submitted,

John M. Harris et al.

By: 

Steven A. May
Attorney for Applicants
Registration No. 44,912
Phone No.: 847/576-3635
Fax No.: 847/576-3750